

REFERENCE TITLE: DHS; benefits; immigration status

State of Arizona
Senate
Forty-eighth Legislature
Second Regular Session
2008

SB 1109

Introduced by
Senator Harper

AN ACT

AMENDING TITLE 36, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-113; RELATING TO THE DEPARTMENT OF HEALTH SERVICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 36, chapter 1, article 1, Arizona Revised Statutes,
3 is amended by adding section 36-113, to read:

4 36-113. Verifying applicants for benefits; violations;
5 classifications; citizen suits

6 A. THE DEPARTMENT SHALL DO ALL OF THE FOLLOWING REGARDING ALL BENEFITS
7 AND SERVICES IT PROVIDES TO INDIVIDUALS PURSUANT TO THIS TITLE:

8 1. VERIFY THE IDENTITY OF EACH APPLICANT FOR THOSE BENEFITS OR
9 SERVICES AND VERIFY THAT THE APPLICANT IS ELIGIBLE FOR BENEFITS OR SERVICES
10 AS PRESCRIBED BY THIS SECTION.

11 2. PROVIDE ANY OTHER EMPLOYEE OF THIS STATE OR ANY POLITICAL
12 SUBDIVISION OF THIS STATE WITH INFORMATION TO VERIFY THE IMMIGRATION STATUS
13 OF ANY APPLICANT FOR THOSE BENEFITS OR SERVICES AND ASSIST THE EMPLOYEE IN
14 OBTAINING THAT INFORMATION FROM FEDERAL IMMIGRATION AUTHORITIES.

15 3. REFUSE TO ACCEPT ANY IDENTIFICATION CARD ISSUED BY THIS STATE OR
16 ANY POLITICAL SUBDIVISION OF THIS STATE, INCLUDING A DRIVER LICENSE, TO
17 ESTABLISH IDENTITY OR DETERMINE ELIGIBILITY FOR THOSE BENEFITS OR SERVICES
18 UNLESS THE ISSUING AUTHORITY HAS VERIFIED THE IMMIGRATION STATUS OF THE
19 APPLICANT.

20 4. REQUIRE ITS EMPLOYEES TO MAKE A WRITTEN REPORT TO FEDERAL
21 IMMIGRATION AUTHORITIES FOR ANY VIOLATION OF FEDERAL IMMIGRATION LAW BY ANY
22 APPLICANT FOR BENEFITS OR SERVICES THAT IS DISCOVERED BY THE EMPLOYEE.

23 B. AN EMPLOYEE WHO FAILS TO REPORT DISCOVERED VIOLATIONS OF FEDERAL
24 IMMIGRATION LAW IS GUILTY OF A CLASS 2 MISDEMEANOR. IF THAT EMPLOYEE'S
25 SUPERVISOR KNEW OF THE FAILURE TO REPORT AND FAILED TO DIRECT THE EMPLOYEE TO
26 MAKE THE REPORT, THE SUPERVISOR IS GUILTY OF A CLASS 2 MISDEMEANOR.

27 C. THIS SECTION SHALL BE ENFORCED WITHOUT REGARD TO RACE, RELIGION,
28 GENDER, ETHNICITY OR NATIONAL ORIGIN. ANY PERSON WHO IS A RESIDENT OF THIS
29 STATE HAS STANDING IN ANY COURT OF RECORD TO BRING SUIT AGAINST ANY AGENT OR
30 AGENCY OF THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE TO REMEDY ANY
31 VIOLATION OF THIS SECTION, INCLUDING AN ACTION FOR MANDAMUS. COURTS SHALL
32 GIVE PREFERENCE TO ACTIONS BROUGHT UNDER THIS SECTION OVER OTHER CIVIL
33 ACTIONS OR PROCEEDINGS PENDING IN THE COURT.